

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Virgil J. Werts,)	
)	C/A No. 3:05-3203-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
County of Richland, a political subdivision)	
of the State of South Carolina; Alvin S.)	
Glenn Detention Center; Prison Health)	
Services, Inc.; Richland County Sheriff's)	
Department,)	
)	
Defendants.)	
)	

Plaintiff Virgil J. Werts filed this action in state court on October 18, 2005, alleging violations of his civil rights under the Fifth, Fourth, and Fourteenth Amendments. Defendants removed the action on November 15, 2005. On July 5, 2006, Defendant Prison Health Services, Inc. filed a motion for summary judgment (Entry 22). On July 19, 2006, Defendants Alvin S. Glenn Detention Center, Richland County Sheriff's Department, and Richland County filed a motion for summary judgment (Entry 27).

On October 13, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff failed to respond to the motions for summary judgment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On February 7, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants'

motions with respect to the first and third causes of action be granted, and that Plaintiff's second cause of action, which alleges a claim under the South Carolina Tort Claims Act, be remanded to state court for disposition. Objections to the Report and Recommendation were due by February 28, 2007.

On February 28, 2007, Plaintiff filed a document in which he stated that a brief case containing his copies of court documents had been stolen on or about January 31, 2007. Plaintiff requested "further time to compile the information needed to answer in order to finish my case." (Entry 55) The court denied Plaintiff's request to the extent he wished to respond to the summary judgment motions. However, the court granted Plaintiff an extension of time until March 16, 2007 to file objections to the Report and Recommendation. Plaintiff has filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts and Report and Recommendation and incorporates it herein by reference. Accordingly, Defendants' motions for summary judgment (Entries 22, 27) are **granted**

with respect to the first and third causes of action. The court declines to exercise jurisdiction over Plaintiff's second cause of action, which alleges a claim under the South Carolina Tort Claims Act. Accordingly the remaining cause of action is **remanded**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

March 23, 2007